



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,941	09/21/2000	Sung Bae Jun	P-124	8915
34610	7590	05/03/2005	EXAMINER	
FLESHNER & KIM, LLP P.O. BOX 221200 CHANTILLY, VA 20153			HOYE, MICHAEL W	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/665,941

Applicant(s)

JUN ET AL.

Examiner

Michael W. Hoyer

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7, 9, 12-24, 34, 35 and 37-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7, 9, 12-24, 34, 35 and 37-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/29/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicants' arguments, see pages 12-15 of the Remarks, filed on September 24, 2004, with respect to the rejection(s) of independent claims 7, 14 and 34 under 35 U.S.C. § 102(b) as being anticipated by Lawler (USPN 5,758,259) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made under 35 U.S.C. § 103(a) in view of Lawler, in further view of Graves et al (USPN 5,410,344), as presented in the rejection below.

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Korea on 9/22/99. It is noted, however, that applicant has not filed a certified copy of the 41192/1999 application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2614

Claims 7, 9, 12-24 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler (USPN 5,758,259), in view of Graves et al (USPN 5,410,344), both cited by the Examiner.

With respect to claims 7 and 34, note the Lawler reference, which teaches a system and method for recommending programs to viewers based on a plurality of ranked criteria. The claimed "multiple item user preference information data structure for multi-media information provided from an information provider" is met generating preferences related to a plurality of attributes of multi-media data as taught in columns 6-9. Specifically, "single item user preference information" is created by tracking user preferences to an item such as an actor, a genre of programming, a specific team, etc as seen in tables IA-1 D (col. 6-7). The single items are combined into "multiple items user preference information," to form a user profile as seen in Table 2 (col. 7-8). This profile is then used to "search the multi-media information according to the user preference information" as taught in column 8:63+ through column 9:18. Users are then provided with the multimedia as identified by the search. The claimed multiple items identifier being "a combination of single user preference items" is met by forming the favorites profile with categories containing a plurality of single preferences. This is seen in Table 2 with a plurality of actors making up a name, and further with a plurality of criterion making up the profile. The claimed "item preference level indicating the degree of user preference corresponding to the user preference combinations" is met as noted above and taught in column 8:63+ through column 9:18. Items are searched for a plurality of user preferences and counts are summed to generated a highest correlation to a preferred program based on individual values, claimed "user preference item identifiers." The Lawler reference does not explicitly disclose the

Art Unit: 2614

claimed, “said item preference level of the multiple items user preference information being independent of item preference levels for the combined single items.” However, the Graves et al reference teaches in Figure 5, as one example, an “overall feature” rating grade or multiple items user “preference level” as claimed, where the user may set the rating “grade” for single items such as Actor #1, as well as, an independent rating grade for multiple items by setting the rating grade for overall feature, which includes all of the individual single items for the selected feature or program. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the Lawler reference with the additional teachings of the Graves et al reference for the advantage of providing an additional feature for allowing a user to set preference levels for multiple items independent of preference levels for the combined single items. One of ordinary skill in the art would have been led to make such a modification for the advantage given above, as well as for providing the functionality to account for situations where the user may have a higher preference rating for an overall program or combination of multiple items in a program, but may not give every individual preference level for the program a high rating.

With respect to claim 9, the Lawler reference discloses the claimed “user preference identifier which denotes the item to describe the user's preference” as met by the Value column of table 2 (col. 8), which shows an identifier such as the name of an actor. The claimed “item preference level indicating the degree of corresponding user preference” is met by the count column indicating the preference of a given value.

With respect to claims 12-13 and 22-23, the claimed single and multiple user preference information being “stored in non-volatile memory of a system installed for an information

Art Unit: 2614

provider and/or an information user” not explicitly taught by Lawler or Graves et al. Lawler teaches the use of memory but does not explicitly teach that the memory is “non-volatile.”

However, the Examiner takes Official Notice that non-volatile memory is a well known form of memory. Therefore, it would have been obvious for one skilled in the art at the time of the invention to modify the combined system of Lawler and Graves et al by using a non-volatile smart card in order to maintain preference history even when the system is turned off and maintain portability.

With respect to claims 14 and 15, the Lawler reference discloses the claimed data structure of items as seen in col. 8, where the claimed first weight value to a single item is seen in table 2 of col. 8, which represents multiple item user preference information of multimedia content, the “second weight value to a group of a plurality of items” is met by summing the groups of a plurality of items “based upon user preference information” of the group as taught in col. 9:1-18 and in the above referenced sections. The claimed, “second weight value is assigned based on a user preference information for said group and is independent of the first weight value,” is met by the combination of the Lawler reference with the Graves et al reference as described above in the rejection of claim 7, where the “overall feature” rating grade or “weight value” is independent of the “first weight value” or a weight value of a “single item” such as “Actor #1.”

With respect to claim 16, the Lawler reference discloses the claimed multi-media information being “provided from an information provider to users in a user desired environment” as met by providing television programming and programming guide information to users through control node 12 (col. 3:2447, Fig. 1, and Fig. 3A-3 B).

With respect to claim 17, the claimed setting user preference information is seen in col. 8, which is used to search the multi-media information according to preferences and provide users with multimedia-information according to the results as addressed above (see col. 8-9).

Claims 18-20 are met as noted in response to claims 7 and 9 above.

With respect to claim 21, the claimed applying or assigning a “weight value” and searching depending on priority according to weight value is met as noted above by assigning count values and searching for a highest probability as taught in columns 8 through column 9, line 18.

With respect to claim 24, the claimed preference fields including at least one from genre, producer, production date, director, character, and degree of special effects, is met by genre preference indicators as seen in table 2, col. 8.

With respect to claim 35, the claimed “user preference item identifier which denotes the item to describe the user’s preference” is met by the Value column of table 2 (col. 8), which shows an identifier such as the name of an actor. The claimed “item preference level indicating the degree of corresponding user preference” is met by the count column indicating the preference of a given value. The claimed preference level “divided into a plurality of levels between levels preferred by a user and levels not preferred by a user” is met by the counts of Table 2. These counts range over a plurality of “levels” or numerical values, with higher values indicating a “level preferred by a user” and lower values indicating “levels not preferred by a user.”

With respect to claims 37-39, the claimed, “item preference level of the multiple items user preference information is different than a sum of the preference values of the combined

Art Unit: 2614

single item user preference information,” is met by the Graves et al reference in Fig. 5, as described above, where the rating grade of the “overall feature” or multiple items rating is different than a sum of the rating grades for the combined single item user preference information, such as the sum of all of the individual items, including Actor #1 and Actor #5 as shown in Fig. 5 of Graves et al.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Barrett et al (USPN 6,005,597) – Discloses a method and apparatus for program selection using viewer profile ratings.

Gilboy (USPN 5,465,113) – Discloses a programmable channel regulating cable television controller where the user may set preferences according to “like” and “dislike” settings.

Whiteis (USPN 5,749,081) – Discloses a system and method for recommending items to a user based on an input list of favored items.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoyer whose telephone number is (571) 272-7346.

The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (571) 272-7353.

Art Unit: 2614

Any response to this action should be mailed to:

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Effective January 14, 2005, except correspondence for Maintenance Fee payments, Deposit Account Replenishments (see 1.25(c)(4)), and Licensing and Review (see 37 CFR 5.1(c) and 5.2(c)), please address correspondence to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, etc.) as follows:

United States Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Some correspondence may be submitted electronically. See the Office's Internet Web site <http://www.uspto.gov> for additional information.


Or faxed to: (703) 872-9306

Hand-delivered responses should be brought to:

Knox Building
501 Dulany Street
Alexandria, VA 22314

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is (571) 272-2600.

Michael W. Hoyer
April 27, 2005


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600